

<div>Page 1</div> <div> <p>UNITED STATES DISTRICT COURT DISTRICT OF RHODE ISLAND C.A. NO.: 17-38-WES-PAS</p> <p>NATIONAL LIABILITY & FIRE INSURANCE CO. and BOAT OWNERS ASSOCIATION OF THE UNITED STATES, Plaintiffs, vs. NATHAN CARMAN, Defendant.</p> <p>-----</p> <p>DEPOSITION OF CHRISTOPHER ROTH</p> <p>April 9, 2018 12:11 p.m.</p> <p>Eastern Bank in Marshfield 1932 Ocean Street Marshfield, Massachusetts</p> <p>Lauren S. Gardner, Professional Shorthand Reporter</p> </div>	<div>Page 3</div> <div> <p>1 INDEX OF EXAMINATION</p> <p>2 Deposition of: CHRISTOPHER ROTH</p> <p>3 EXAMINATION PAGE NO.</p> <p>4 By Mr. Farrell 4, 138</p> <p>5 By Mr. Anderson 69</p> <p>6</p> <p>7 INDEX OF EXHIBITS</p> <p>8 NO. DESCRIPTION PAGE NO.</p> <p>9 1 Diagram 33</p> <p>10 2 Drill Bit 33</p> <p>11 3 Nantucket Skiff Blog 43</p> <p>12 4 Drawing 76</p> <p>13 5 Drawing 88</p> <p>14 6 Photograph 98</p> <p>15 7 Photograph 98</p> <p>16 8 Photograph 103</p> <p>17 9 Photograph 105</p> <p>18 10 Photograph 110</p> <p>19 11 Photograph 118</p> <p>20 12 Photograph 123</p> <p>21 13 Photograph 131</p> <p>22</p> <p>23 (Original exhibits retained by Attorney Farrell).</p> <p>24</p> </div>
<div>Page 2</div> <div> <p>1 APPEARANCES OF COUNSEL</p> <p>2</p> <p>3 ON BEHALF OF PLAINTIFFS:</p> <p>4 DAVID J. FARRELL, ESQUIRE</p> <p>5 LIAM T. O'CONNELL, ESQUIRE</p> <p>6 Farrell & Smith LLP</p> <p>7 60 Washington Street, Suite 300</p> <p>8 Salem, Massachusetts 01970</p> <p>9 508.432.2121</p> <p>10 Sealaw@live.com</p> <p>11</p> <p>12 ON BEHALF OF DEFENDANT:</p> <p>13 DAVID F. ANDERSON, ESQUIRE</p> <p>14 Latti & Anderson LLP</p> <p>15 30-31 Union Wharf</p> <p>16 Boston, Massachusetts 02109</p> <p>17 617.523.1000</p> <p>18 DAnderson@lattianderson.com</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> </div>	<div>Page 4</div> <div> <p>1 DEPOSITION OF CHRISTOPHER ROTH</p> <p>2 APRIL 9, 2018</p> <p>3 PROCEEDINGS</p> <p>4</p> <p>5 CHRISTOPHER ROTH, the deponent, having been</p> <p>6 satisfactorily identified and duly sworn by the</p> <p>7 Notary Public, was examined and testified as follows:</p> <p>8</p> <p>9 EXAMINATION</p> <p>10 BY MR. FARRELL:</p> <p>11 Q. Could you state your name for the record,</p> <p>12 please?</p> <p>13 A. Christopher Roth.</p> <p>14 Q. Okay. And what's your date of birth?</p> <p>15 A. 4/25/59.</p> <p>16 Q. Where do you live?</p> <p>17 A. Marshfield, 713 Webster Street.</p> <p>18 Q. Have you and I talked before?</p> <p>19 A. Yep.</p> <p>20 Q. Have you talked to Mr. Anderson?</p> <p>21 A. Yes.</p> <p>22 Q. Have you gone through any documents or</p> <p>23 photographs with Mr. Anderson?</p> <p>24 A. I looked at some pictures.</p> </div>

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1 is the back piece, trim tab there and there.
 2 So I mean, if you're -- If you're going to
 3 scale it down, you would probably end -- This
 4 measurement, my guess -- This is as a guess, it would
 5 be 10 inches.
 6 Q. All right. You're drawing -- Just so we get
 7 it on the record.
 8 You've drawn an arrow on the starboard side
 9 with 10 inches showing that the beginning of the
 10 starboard trim tab was -- the edge was about 10
 11 inches inboard from the outside edge of the boat at
 12 the transom?
 13 A. Possibly. But you have a photograph of that.
 14 Q. Well, I'm asking your recollection.
 15 A. Yeah, okay. Well, I mean, that's my
 16 recollection.
 17 Q. Okay.
 18 A. I mean, if I look at the photo, it's probably
 19 pretty close.
 20 Q. Okay. And the -- And you've drawn a heavier
 21 line, I mean, for the trim tab. The heavy ink line
 22 that's --
 23 A. Yeah.
 24 Q. All right. So the heavy dark line you've

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1 drawn represents the trim tab?
 2 A. Uh-huh.
 3 Q. So my question was, what is -- Where is the
 4 location of the hole that you drilled?
 5 A. It would be right on the photograph, which
 6 shows it coming out. My guess is right around here.
 7 MR. FARRELL: Mr. Anderson, keep your
 8 papers to yourself. I don't want you coaching the
 9 Witness, I don't want you doing it again. I'm going
 10 to absolutely blow you away once again in court on
 11 this and I'm going to show the video the last time.
 12 I don't want any coaching, I don't want him seeing
 13 any photographs now. You do what you want on
 14 cross-examination. Keep your papers to yourself.
 15 MR. ANDERSON: I have not shown him a
 16 photograph at all.
 17 MR. FARRELL: You've got them in your
 18 hand.
 19 MR. ANDERSON: I have -- I do have
 20 photos in my hand. They are not within his vision.
 21 MR. FARRELL: They damn well are.
 22 Move them away.
 23 MR. ANDERSON: No, they are not.
 24 MR. FARRELL: Hide them. Hide them,

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1 Mr. Anderson.
 2 MR. ANDERSON: They are not within
 3 his vision.
 4 MR. FARRELL: Keep them away.
 5 MR. ANDERSON: They are not within
 6 his vision and they never have been.
 7 I don't know what's wrong with you today.
 8 MR. FARRELL: They are directly in
 9 his vision if you put them down like --
 10 MR. ANDERSON: Let's ask the Witness.
 11 Can you see the photographs in my hand?
 12 Can you see the photographs in --
 13 MR. FARRELL: You can ask your
 14 questions at the end.
 15 MR. ANDERSON: I will, but you just
 16 stop to cause these problems. He couldn't see the
 17 photographs. I wasn't showing them to him. You're
 18 just making stuff up.
 19 A. I don't -- I honestly don't need photographs
 20 to determine where trim tabs go on a boat. I mean,
 21 this is what I do for a living.
 22 Q. Okay. Let me ask you then the question that
 23 I was trying to get at.
 24 Can you draw on this diagram where the hole

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1 is that you drilled that you talked about?
 2 A. I can't accurately, so I won't even try to do
 3 it because I don't want to, you know, impose any
 4 false information if I'm wrong. So I mean, I drilled
 5 it where they go.
 6 Q. Where did you drill it in comparison to
 7 the --
 8 MR. ANDERSON: Asked and answered.
 9 A. My guess -- My guess --
 10 Q. I don't want you to guess.
 11 A. Okay. Well, then I --
 12 MR. ANDERSON: He's told you he
 13 doesn't know and you keep asking him. Asked and
 14 answered.
 15 MR. FARRELL: Do you represent this
 16 Witness?
 17 MR. ANDERSON: No, I don't represent
 18 this Witness, but you keep badgering him. He's told
 19 you he doesn't remember precisely.
 20 MR. FARRELL: No, he's told me a
 21 couple things. He's told me he knows where the holes
 22 go, he's told me he remembers --
 23 MR. ANDERSON: So my objection is
 24 asked and answered. Let's move on.